



**Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of an Air Pollution Control
Construction Permit Issued to FTS International
Services, LLC, Located in Trempealeau County,
Arcadia, Wisconsin

Case No. DNR-13-043

Permit Number 12-POY-079

NOTICE OF TELEPHONE PREHEARING CONFERENCE

FTS International Services, LLC, 2003 Nine Road, Brady, Texas, applied to the Department of Natural Resources (DNR) for an air pollution control construction permit. After holding a public hearing, the DNR issued air pollution control construction permit number 12-POY-079 to FTS Internal Services, LLC, c/o Ronald Jordan, Vice President on June 24, 2013. The permit was approved to provide authorization for FTS International Services, LLC to construct, and initially operate an industrial sand mine and processing plant as described in the plans and specifications.

On July 24, 2013, the DNR received a Petition for a contested case hearing pursuant to Wis. Stat. §§ 227.42 and 285.81, from Midwest Environmental Advocates and petitioners, Paul Winey, Nancyanne Winey, Kary Jonas, Peter Jonas, Margaret Olsen, Beth Killian, Donna Brogan, Bert Hodous, Rebecca Larsen and Shirley Roberts. On August 29, 2013, the DNR partially granted the petition for a contested case hearing. On October 22, 2013, the DNR filed a Request for Hearing with the Division of Hearings and Appeals.

NOTICE IS HEREBY GIVEN that pursuant to Wis. Stat. §§ 227.42(1), 285.63(1)(a), 285.63(1)(b) and 285.81 and Wis. Admin. Code chs. NR 415 and 439, the State of Wisconsin Division of Hearings and Appeals will hold a telephone prehearing conference in regard to the above matter on **November 18, 2013, at 10:00 a.m.** Any person, organization or governmental unit wishing to become a party to this proceeding must appear at the conference in person or by an authorized representative. **To so participate, said persons must write to the Division of Hearings and Appeals, at least three days prior to the November 18th telephone prehearing conference, in care of the undersigned and indicate a phone number where they can be reached at the above mentioned time.** If necessary, the purpose of the prehearing conference will be to identify parties to the proceeding, to simplify the issues which may be contested at the hearing, establish a discovery schedule and set a date for hearing. No testimony will be heard at the prehearing conference; however, a date may be set for the hearing on the merits at the conference.

When the hearing is held it will be a Class 1 contested case pursuant to Wis. Stat. § 227.01(3)(a), and the fair play provisions of Wis. Stat. ch. 227 will apply. The procedures relating to contested cases set forth in Wis. Admin. Code ch. NR 2 will be followed. The procedure that will be followed at the public hearing will closely resemble that normally followed at a court hearing. All parties are advised that they have the right to seek the aid and assistance of legal counsel and to be represented by legal counsel at the public hearing.

Pursuant to the Americans With Disabilities Act, reasonable accommodations will be made to any qualified individual upon request. Please call the Division of Hearings and Appeals at (608) 266-3865 with specific information on your request at least 10 days before the date of the scheduled hearing.

Dated at Madison, Wisconsin on October 29, 2013.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: _____
Jeffrey D. Boldt
Administrative Law Judge